HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 7457 of 2007

PETITIONERS : 1. Shyamu, son of Vishram, aged about 46 years, Panch of Ward No. 20, Gram Panchayat Bemecha Tehsil & District Mahasamund (CG)
2. Manrakhan son of Shivlal Nirmalkar, aged about 68 years, Worker of C.G. Rajya Sangharsh Morcha, Gram Panchayat Bemetara, Tehsil & District Mahasamund (CG)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through the Secretary, Department of Panchayat & Samaj Kalyan, D.K.S. Bhawan, Raipur.
2. The Chhattisgarh State Election Commission, Mahanadi Block, Mantralaya Parisar, Raipur.
3. Gram Panchayat Bemcha, Tehsil & District Mahasamund, through its Up-Sarpanch, Gram Panchayat Bemcha, Tehsil & District Mahasamund (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Dinesh R.K.Tiwari, Advocate for the petitioners.
Shri Vinay Harit, Deputy Advocate General for the State.

ORDER

(Passed on 14th day of December, 2007)

The petitioners, by this petition seek for quashing of the enquiry report which is annexed as Annexure P/1. On query by the Court, as to whether any consequential order has been passed against the petitioner pursuant to the enquiry report. Learned counsel appearing for the petitioners submits that on the basis of the said enquiry report, the Sarpanch namely Smt. Nannd Kumari Sahis has been removed. Smt. Nand Kumari Sahis, being aggrieved by the said order, approached this Court in W.P.(C) No. 5602/2007. This Court, after hearing the parties, disposed of the said petition on the ground of availability of alternative remedy available to the petitioner therein, who had

already filed an appeal before the Director, Panchayat & Social Welfare Department, Raipur. The same enquiry report, without having any cause of action, is being challenged by the petitioner, who claims to be a panch of the Gram Panchayat, Bemcha.

Since the matter is pending consideration before the Director, Department of Panchayat and Social Welfare, Raipur, this prayer of quashing of the enquiry report cannot be considered firstly, on the ground that no consequential order has been passed, affecting the petitioner adversely and secondly, the Sarpanch, who has been punished on account of the enquiry report, the case is pending consideration before the Director of Panchayat and Social Welfare, Raipur.

In view of the foregoing, this petition is dismissed.

However, the petitioner is at liberty to take recourse to alternative statutory remedy, available to him under the provisions of law, if so advised.

Sd/-
Satish K. Agnihotri
Judge

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